

## **MINUTES**

### **RUSH COUNTY AREA PLANNING COMMISSION**

**Tuesday, February 25<sup>th</sup>, 2014**

**6:30pm**

**ROLL CALL:** Marvin Rees, Marvin Hedrick, Jeff Slaton, Mark Bacon, Joe Rathz, Kelly Land, Mike Holzback, David Rogier, Kevin Tolloty, Rhea Dawn Buckley and Brad Berkemeier.

**ABSENT:** Ramona Turner, Ruth Geise and Gilda Caviness.

**MINUTES:** Motion was made by Marvin Rees to accept the minutes from the January 28<sup>th</sup>, 2014 meeting, seconded by Brad Berkemeier. All voted AYE.

#### **SUBDIVISIONS: Primary Plat Approval**

1. MF Beyer LTD Partnership, 9125 W 700 N, Carthage, is requesting to subdivide 4 lots as part of one tract, for a total acreage of 39.407 acres from parent tracts totaling approximately 209 acres, Sections 26, 34 and 35, T15N, R8E, Ripley Twp; zoned A-3; Agriculture, Regulated Livestock.

**Mike-** What is the purpose of subdividing all lots?

**Jeff Powell (Surveyor) -** They are just purchasing all tillable and non-tillable land. This is just for agricultural purposes only. There will be no residential, its

**Marvin R-** Does he own both sides of the river?

**Jeff-** No. My client will only own what is north of the river. The parcels will always run with the center of the river.

**Motion-** Marvin Rees made a motion to grant Primary Plat Approval, seconded by Mark Bacon. All voted AYE.

#### **SUBDIVISIONS: Secondary Plat Approval**

1. Lords Posey Farm, LLC, 3530 N 800 W, Arlington, is requesting a single lot subdivision of 2.462 acres from a parent tract of approximately 90 acres, Section 13, T14N, R8E, Posey Twp; Zoned A-3; Agriculture, Regulated Livestock.

**Motion-** Marvin Rees made a motion to grant Secondary Plat Approval, seconded by Mark Bacon. All voted AYE.

#### **REZONES:**

1. Ron Cameron, 1001 W 3<sup>rd</sup> Street, Rushville, is requesting to amend the zoning map for Rush County, parcel 70-11-06-102-003.000-011, from R-1; Single Family Residential to C-1; Neighborhood Business District.

**Marvin R-** Is the house going to stay there?

**Ron Wilson (Agent) -** No it is going to be razed.

**Joe-** Is this going to be used as a sales lot?

**Ron-** It is just going to be used for display purposes only.

**Marvin H-** I have spoken with Ron Cameron and he is going to use the lot for parking trailers that he has for sale. There will be no repairs done on the lot.

**Joe-** Will Mr. Cameron abide by all the zoning rules and buffer zones?

**Ron-** Yes, whatever he is required to do.

**Jeff-** I am assuming that there are no utility lines or pipes there?

**Ron-** I cannot tell you how that might occur.

**Motion-** Marvin Hedrick made a favorable recommendation to the Rushville City Council, seconded by Joe Rathz. All voted AYE.

**AMENDMENT HEARING: None**

**OLD BUSINESS: Chicken Ordinance/Scorecard-Draft**

**Kevin-** I have put together a scorecard similar to what we do with the CFO'S and houses in the A-3 zone. This is basically the same format.

**Brad-** What was your basis for the points?

**Kevin-** I didn't have one. I just tried to come up with something close to what we needed. This scorecard is for all zones outside of Rushville.

**Marvin R-** Is there going to be fencing? And what is opaque fencing?

**Kevin-** Yes. Opaque fence is anything solid. Something that you can't see through.

**Marvin H-** I am a little confused. I was under the impression that we were doing Residential and leaving the agricultural districts alone.

**Kevin-** It was just as easy to incorporate all zones.

**David-** Keep in mind that this is only for 10 acres or less in the 825 and 826 less than ten (10) acres in size.

**Marvin R-** Why is there a limit on roosters in the agricultural zones?

**Kevin-** That is something that can be changed.

**Jeff-** Before we were talking about not just chickens but having some type of animal and having everything else such as cows counted into one unit.

**Kevin-** This is coming. I don't have the numbers yet but I will have them for the next meeting.

**Jeff-** Are we setting ourselves if we do a chicken ordinance and in six (6) months from now we will have to have a Canadian Geese Ordinance?

**Kevin-** Actually the non-agricultural zones are restricted for chickens only. The agricultural zones are for any other fowl. That will be a new classification.

**Brad-** Just a thought, but are roosters prohibited in residential areas? Just curious because they do not lay eggs and they can be a nuisance. And slaughtering, if you prohibited slaughtering on someone's site is that prohibited to the owner in what they would want to do? I understand if you live in a residential area that you wouldn't want to see that out in the open but I have also seen other ordinances that require that you do it inside.

**Kevin-** I have seen where they have prohibited it residential zones to restricting it to indoors only in residential zones.

#### **AUDIENCE PARTICIPATION:**

**Richard Napier-** It's been almost a year and I am glad that we are making progress. The first thing is that it's a chicken ordinance and I would like to see it become a poultry ordinance. But I might want to get a duck or a turkey as well. On the point system the number of chickens and the chicken per acre ratio, basically you're counting chickens twice. There is no reason to double count. The Section Density, I don't find that it is a relevant issue. And I do have issues with extending this to agricultural properties. The amended code 825, "If there is a dwelling on the lot, one (1) acre shall be allocated to the dwelling unit" can you define that?

**Kevin-** That is existing. It is for agricultural lots. As far as double counting the chickens, if I take that out, it might hurt the score in residential zones. It is just a different way of counting. You are looking at gross numbers which is one thing and you're looking at density which is another.

**Richard Napier-** I don't like to be made to ask permission from my neighbors to have chickens on my property. It needs to come from the County Government. We need to have a blanket policy regarding complaints. We need to remove the slaughter part. Slaughtering is something that is not done on the inside. The length of the permit and what does it entail and if there is a fee and will it be enforced? Your wanting to do a one (1) year renewal which I think is fine and I think the three (3) year is unnecessary. After a year, you should let someone go with it. Your job is done. I want a life time permit.

**Kevin-** We wouldn't require for you to come back. It will automatically renew as long as there are no complaints. There wouldn't be a hearing. If there are no complaints then there is no reason for you to come back. After one (1) year you will be issued a three (3) year permit and if there are no complaints you will be issued another three (3) year permit.

**Richard Napier-** Well we will agree to disagree on that.

**Marvin R-** You made a point of notifying neighbors.

**Kevin-** My thought for this is that there will just be a formal notice sent out to all neighbors within 500 feet because they are going to find out sooner than later.

**Brad-** In my perspective, if they would come to me and complain about it, I would ask them where they have been for the last three (3) years when we have been discussing this.

**Kevin-** They have to be legitimate complaints. They have to be in violation of the ordinance. Where it states, Length of Permit, I will change that to "If no verified violations previous review required, then automatic three (3) year renewal."

**Tom Monka-** I think this is a great move forward. Just going over it again, I agree with the chicken ratio. What is your basis for the points?

**Kevin-** Actually I based it off of our CFO scorecard and figured the rest out by doing research.

**Tom Monka-** Is height going to figure into this in addition to Opaque fencing?

**Kevin-** I think the height is more important than type of enclosure.

**Tom Monka-** We just need to have this as simple as possible.

**Marvin R-** Can we just have a review of tonight's discussion? Fence height, taking limitation of roosters out of agricultural zones, and changing to violation instead of complaints.

**Kevin-** Yes, that's correct.

**Marvin H-** Before next meeting, will you have us copies?

**Kevin-** Yes, I will have a draft ready to go and that will get voted on then it will go to the County Commissioners, Carthage and Glenwood.

**David-** I think Kevin has come up with a good criteria. I do think we need to get a copy of Carthage Ordinance and compare them.

**Kevin-** I have looked at Carthage and they don't allow chickens.

**Brad-** Can you send us copies of Carthage and Glenwood?

**Kevin-** I will email it to everyone.

**Marvin H-** So do we need a motion for this?

**Kevin-** No, no motion. I am just wanting to get it in its final form for public hearing.

**Kevin-** One last thing that I want to bring up is "Birds shall be housed in appropriate sized housing."

**Marvin R-** I say that we leave it like it is.

**Richard Napier-** I have talked with Mr. Schakel and he stated that there is no precedent on housing.

**Lois Hatfield-** Will a chicken owner be required to keep the chickens on their own property?

**Kevin-** Chickens are only allowed on your property.

**Joe-** So if I have chickens and they get over into my neighbor's property, that's a violation?

**Kevin-** Yes

**Kevin-** Any other comments or concerns?

**Marvin H-** Mr. Owens contacted me and he is concerned about the drainage is in fact coming back to the apartment complex. This is due to the new structure at Farm Credit. He said he would be more than glad to meet you up there.

**Marvin R-** I will get into contact with him.

**Kevin-** I have a question on Manure Storage Facility. I think that would be covered under our Solid Waste Disposal classification. It is a building where they store chicken manure. This is being done in Wayne County. I asked Gilda about this but I haven't heard back from her yet.

**Mark-** This is more of a storage facility to use in the winter and summer but I think they have to still go through IDEM to get it done.

**Joe-** I think we need to wait and see what Gilda has to say.

#### **REPORTS-**

**Plan Consultant:** None

**Attorney:** Not Present

**Director:** Annual reports will be done by next meeting. We now have our new computers installed so they will be fancy reports.

#### **ADJOURN:**

Marvin Rees made a motion to adjourn, seconded by Joe Rathz. All voted AYE.

**Date of Approval**\_\_\_\_\_

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**Michael Holzback, Chairman**

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**Kevin Tolloty, Executive Director**